

FILE COPY

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE APPLICATION	:	
FOR RESPIRATORY CARE PRACTITIONER	:	
CERTIFICATION	:	FINAL DECISION AND ORDER
BRENDA L. HUGHES-FLETCHER,	:	96 MED 311
APPLICANT	:	

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The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Brenda L. Hughes-Fletcher  
913 East Memorial Drive  
Janesville, WI 53545

Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. On or about May 30, 1996, Brenda L. Hughes-Fletcher (913 East Memorial Drive, Janesville, WI 53545; D.O.B. 12/17/68) filed an application for certification in Wisconsin as a respiratory care practitioner.
2. From December 16, 1995 until at least May 30, 1996, Ms. Hughes-Fletcher practiced respiratory care as an employee of Beloit Memorial Hospital, Beloit, Wisconsin. Ms. Hughes-Fletcher has ceased the practice of Respiratory care pending resolution of her obtaining certification.
3. On August 7, 1996, the Medical Examining Board entered an Order denying Ms. Hughes-Fletcher's application for certification, based upon her practice without certification between December, 1995 and May, 1996. Ms. Hughes-Fletcher has timely requested a hearing on this Order.

4. In resolution of this matter, Ms. Hughes-Fletcher consents to entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this matter pursuant to sec. 448.06(2), Wis. Stats.
2. By the conduct described above, Brenda L. Hughes-Fletcher violated sec. 448.03(1m), Wis. Stats.

#### ORDER

1. NOW, THEREFORE, IT IS HEREBY ORDERED that the stipulation of the parties is approved.
2. IT IS FURTHER ORDERED that the application of Brenda L. Hughes-Fletcher for certification as a respiratory care practitioner is granted, upon completion of the following:
  - a. Ms. Hughes-Fletcher shall complete not fewer than 12 hours of continuing education in the area of ethics for health care providers. These continuing education credits shall be approved in advance by the Board; and
  - b. Ms. Hughes-Fletcher shall appear before the Wisconsin Medical Examining Board following completion of the continuing education referred to above to answer any questions that Board may have concerning this matter.
3. Ms. Hughes-Fletcher shall not engage in any conduct which constitutes the practice of Respiratory care as defined in sec. 448.01(2m), Stats. - irrespective of whether she is under the direction, supervision or inspection of a physician or other health care professional - until she is fully certified by the Board.
4. Ms. Hughes-Fletcher is REPRIMANDED for practicing respiratory care in Wisconsin without certification.

#### MEDICAL EXAMINING BOARD

By: William A. Slawson, MD 9/25/96  
A Member of the Board Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE APPLICATION	:	
FOR RESPIRATORY CARE PRACTITIONER	:	
CERTIFICATION	:	STIPULATION
BRENDA L. HUGHES-FLETCHER,	:	96 MED 311
APPLICANT	:	

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It is hereby stipulated between Brenda L. Hughes-Fletcher personally on her own behalf; and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into in resolution of Ms. Hughes-Fletcher's request for a hearing on the Denial of Ms. Hughes-Fletcher's application for certification as a respiratory care practitioner. This Stipulation and Order shall be presented directly to the Medical Examining Board without further proceedings.

2. Ms. Hughes-Fletcher understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights to a hearing on the Board's denial of certification, including the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Ms. Hughes-Fletcher is aware of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Ms. Hughes-Fletcher agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Applicant waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Medical Examining Board assigned as an advisor in this investigation may

appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Ms. Hughes-Fletcher in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Brenda L. Hughes-Fletcher 9-10-91  
Brenda L. Hughes-Fletcher Date

Steven M. Gloe 9-10-91  
Steven M. Gloe, Attorney Date  
Division of Enforcement

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BEFORE THE STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE APPLICATION  
FOR RESPIRATORY CARE PRACTITIONER  
CERTIFICATION

BRENDA L. HUGHES-FLETCHER,  
APPLICANT.

AFFIDAVIT OF SERVICE

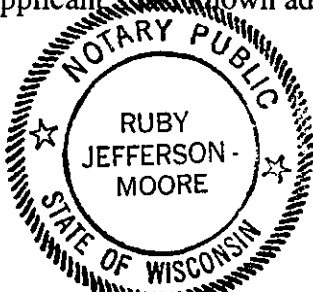
Katie Rotenberg, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on September 27, 1996, she served the following upon the applicant:

Final Decision and Order dated September 25, 1996

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named applicant at:

913 East Memorial Drive  
Janesville, WI 53545  
Certified P 213 148 341

an address which appears in the files and records of the Medical Examining Board as the applicant's last known address.



Katie Rotenberg  
Katie Rotenberg  
Department of Regulation and Licensing

Subscribed and sworn to before me

this 27<sup>th</sup> day of September, 1996.

Ruby Jefferson-Moore  
Notary Public  
Dane County, Wisconsin  
My Commission is Permanent

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## NOTICE OF APPEAL INFORMATION

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Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

September 27, 1996

### 1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### 2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)